

Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



December 31, 2013

Deputy David Aviles, #[redacted]

Dear Deputy Aviles:

On November 1, 2012, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2321472. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated November 27, 2013, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of two (2) days. However, pursuant to the EBD agreement, the two (2) days will be held in abeyance for a period of twelve (12) months which will end on November 26, 2014. All Department records will reflect, nevertheless, that you received a two (2) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the two (2) days held in abeyance will be imposed.

An investigation under File Number IAB 2321472, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-09/220.50, Foot Pursuits), on or about February 3, 2012, you and your partner (Deputy Eric Moreno) engaged in a foot pursuit of a potentially armed suspect and failed to initiate a radio broadcast within the first few seconds

of the pursuit. You failed to communicate the required and necessary information which could be used to coordinate assistance in apprehending the pursued suspect.

2. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 3-03/210.05, Revolvers/Semi-Automatic pistols (On and Off Duty)), on or about February 3, 2012, you knowingly carried two extended eighteen round magazines on your gun belt without written authorization from your concerned Division Chief.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Leonard McCray, Captain
Compton Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

LM:AEA:md

c: Advocacy Unit
Kevin A. Goran, Chief, Central Patrol Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Compton Station/unit Personnel File



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

Leroy D. Baca, Sheriff



November 1, 2012

Deputy David Aviles, #[redacted]

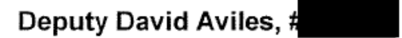
Dear Deputy Aviles:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of two (2) days.

An investigation under IAB File Number 2321472, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-09/220.50, Foot Pursuits), on or about February 3, 2012, you and your partner (Deputy Eric Moreno) engaged in a foot pursuit of a potentially armed suspect and failed to initiate a radio broadcast within the first few seconds of the pursuit. You failed to communicate the required and necessary information which could be used to coordinate assistance in apprehending the pursued suspect.

2. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 3-03/210.05, Revolvers/Semi-Automatic pistols (On and Off Duty)), on or about February 3, 2012, you knowingly carried two extended eighteen round magazines on your gun belt without written authorization from your concerned Division Chief.



Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding. If, however, you are currently on some type of authorized leave, or are otherwise incapacitated or unavailable, you may opt to contact your unit commander, in writing, and request that this matter be held in abeyance until such time as you are released by your physician, or are able to return to work.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Maggie Dixon, of Internal Affairs Bureau, at (323) 890-5314, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Diane E. Walker, Captain
Commander, Compton Station

DEW:AEA:md

c: Advocacy Unit
Employee Relations Unit
James R. Lopez, Chief, Field Operations Region II
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2321472)

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COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: October 1, 2012
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2306268/IV2321472
Incident:	Non-Hit Shooting
Incident Date:	February 3, 2012
Unit:	Compton Station / FOR II
Suspects:	Ramiro Lozano, M/34
Involved Employees:	Deputy David Aviles, #[redacted] Deputy Eric Moreno, #[redacted]
EFRC Date:	September 27, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans and Commander Buddy Goldman met and reviewed the above case.

FINDINGS:
The Committee determined the force used by Deputy Aviles was objectively reasonable and in compliance with Department Policy. The tactics used by Deputy Aviles and Deputy Moreno are addressed under separate cover memorandums.

RECOMMENDATIONS:
The Committee recommended that Deputy Aviles and Deputy Moreno attend the eight hour Tactics and Survival training, class 1, the eight hour Perishable Skills training and the eight hour LIFE class.